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UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

VS.

Case No.

JOHN DOE.

Federal Grand Jury
U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts

Wednesday
February 17, 1999

APPEARANCE: WILLIAM F. SINNOTT
Assistant U.S. Attorney

WITNESS: TIMOTHY ANDERSON

I N D E X

WITNESS

PAGE

Timothy Anderson

Examination by Mr. Sinnott

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P R O C E E D I N G S

(10:15 a.m.)

TIMOTHY ANDERSON, Sworn

EXAMINATION BY MR. SINNOTT:

Q Good morning, sir.

A Good morning.

Q Sir, in a loud, clear voice, could you state your full name and spell your last name?

A My name is Timothy Anderson, A-n-d-e-r-s-o-n.

Q And, sir, you are a special agent with the Drug Enforcement Administration?

A Yes.

Q And how long have you served in that capacity?

A Approximately three years.

Q And, sir, what is your current assignment with DEA?

A Currently, I'm assigned to the Boston, New England Field Division.

Q All right, sir.

And Special Agent Anderson, during the course of your employment with the Drug Enforcement Administration, have you had specialized training in narcotics enforcement?

A Yes, I have.

Q And have you also participated in a number of investigations involving narcotics and controlled

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1 substances?

2 A Yes.

3 Q Now, sir, directing your attention to October of
4 1998, were you involved in such an investigation in the City
5 of Worcester?

6 A Yes, I was.

7 Q And could you inform the Grand Jurors as to what
8 the target of that investigation was?

9 A The investigation was a crack cocaine sales in
10 Worcester and the target of the investigation was a person
11 who we initially became familiar with as Butter, who we
12 later identified as Chamond Henderson, and two of his
13 coconspirators or workers identified as Robert Carey and
14 Kimberly Powers.

15 Q And, sir, did Mr. Carey have a nickname that you
16 became familiar with?

17 A Yes. He was frequently calls Pops.

18 Q All right. Now, Special Agent Anderson, what
19 method did you use in order to penetrate this organization?

20 A We used a confidential informant to initially get
21 into these targets.

22 Q All right, sir.

23 And did this confidential informant have a
24 criminal history?

25 A Yes, he did.

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1 Q And did that include drug offenses in that
2 informant's past?

3 A Yes, it did.

4 Q And, sir, did you take any electronic measures to
5 bolster your investigation with respect to this informant?

6 A Yes. Each time we used the confidential
7 informant, he was equipped with an electronic transmitting
8 device for the purpose of monitoring and recording any
9 conversations he had with these targets.

10 Q And you're referring to the meetings that he had
11 with these targets?

12 A Yes.

13 Q All right, sir.

14 Now, Special Agent Anderson, let me direct your
15 attention to October 19th, 1998, and ask you to describe for
16 the Grand Jurors what transpired on that day?

17 A On October 19th, this was the first transaction
18 that we did with these targets.

19 What we did was we met with the CI at a prelocated
20 -- predetermined location, he was searched for any
21 contraband, searched for any money. Any money that he did
22 have on him, we temporarily held it. He was given the
23 official funds to buy the crack cocaine. He was equipped
24 with a monitoring device. And then he was briefed as to
25 what he should do.

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1 Q And, sir, was this a procedure that you followed
2 in each of the subsequent transactions, as well?

3 A Yes. Each transaction that we did with the CI and
4 these targets, this is the procedure we used.

5 Q All right, sir.

6 And what happened after you had taken these
7 measures on October 19th?

8 A After this was done, we took the CI to a location
9 close to the target residence. It was 6 Denny Street in
10 Worcester. And the CS -- or the CI was observed walking to
11 the residence by agents. He was observed going into the
12 residence and observed coming out of the residence after the
13 transaction was completed.

14 Q All right. And, sir, at some point, did you
15 debrief the CI as to what had taken place within the
16 residence?

17 A Yes. After the CI was -- after the CI did the
18 deal with the targets and he came out, I met the CS at a
19 predetermined location, picked him up and went back to the
20 location where we previously took him. We searched him. We
21 took the crack cocaine off of him and we debriefed him as to
22 what happened or what occurred in the residence.

23 Q And was this also a procedure you followed after
24 each of the subsequent investigations?

25 A Yes, it is.

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1 Q All right. And what did the CI tell you had taken
2 place within 6 Denny Street on that date?

3 A The CI stated that when he entered the residence
4 on the first floor of 6 Denny, Pops or Robert Carey was
5 observed on the telephone. Apparently he was talking to
6 Butter at the time, the source of supply for the crack
7 cocaine.

8 As he was in the kitchen of the residence, he
9 spoke to Kim Powers and he showed her that he had the money
10 for the drugs, which was \$1200 for the one ounce of crack
11 cocaine.

12 And after speaking -- after Carey spoke to Butter
13 on the telephone, he spoke again to the CI and then Butter
14 called back and told the CI that he would be there in
15 five minutes.

16 Q Through Carey or directly to the CI?

17 A Through Carey.

18 Q All right. And what happened next, according to
19 the CI?

20 A Approximately five, ten minutes later, agents
21 observed a male black walking down the street from an
22 adjoining street, go into 6 Denny Street.

23 And from the debriefing of the CI, he told us that
24 what occurred was Butter came into the residence. Butter,
25 the CI and Powers went to an adjoining bedroom where the CI

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1 again counted the money and gave it to Butter, and in return
2 Butter handed the CI a newspaper, and inside the newspaper
3 was a plastic bag, containing the crack.

4 They discussed future deals and Butter told the CI
5 that, you know, anything else they want in the future, any
6 deals in the future would be through Butter -- through
7 Powers or Carey.

8 Q All right, sir.

9 Now, at that point did the CI leave the premises?

10 A Yes. After the transaction was done, he left. He
11 left the residence.

12 Q And, sir, have you had occasion to listen to the
13 tape recording of that event?

14 A Yes.

15 Q How would you characterize it?

16 A It's short, it was -- the recording was clear, but
17 without the debriefing, you'd -- you really would have to
18 listen to what's going on.

19 Q All right. And, sir, after the CI left 6 Denny
20 Street, you've testified that he met with you and other
21 agents; is that correct, sir?

22 A Yes.

23 Q And a substance was recovered from him at that
24 time?

25 A Yes, it was.

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1 Q And was that substance subsequently sent to the
2 Northeast Regional Laboratory of DEA?

3 A Yes, it was.

4 Q And what was it determined to be?

5 A It was determined to 23.7 grams of cocaine base.

6 Q All right, sir.

7 Now, sir, let me direct your attention to
8 October 27th of 1998 and ask you to describe for the Grand
9 Jurors what took place on that date?

10 A On that date, on October 27th, again, the CI made
11 arrangements through Kim Powers to purchase crack cocaine.
12 This time it was three ounces.

13 The CI met Powers at 6 Denny Street. And at this
14 time Special Agent Guerard was introduced as a customer of
15 the CI.

16 Q And that's Special Agent Rick Guerard?

17 A Yes.

18 Q And his last name is spelled G-u-e-r-a-r-d?

19 A Yes.

20 Q All right. And so he was introduced as what?

21 A As a customer of the CI's.

22 Q All right. And what happened at that time?

23 A The CI, Powers and -- the CI and Powers got into
24 Special Agent Guerard's vehicle. Special Agent Guerard
25 introduced himself to Powers and handed her \$3,000 in funds

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1 for the three ounces of crack cocaine.

2 Q All right. And what did Powers do at that time?

3 A She counted the money and then she made sure it
4 was there, and then she instructed Special Agent Guerard to
5 drive to a different location down the street. It was
6 approximately two blocks away, and told him to pull into a
7 parking lot, at which time he did.

8 He was observed or the CI and Powers were observed
9 getting out of the undercover vehicle, walking up the street
10 to 27 Wachuset Street and entering that building.

11 Q All right. Now, based on your later debriefing of
12 the CI, what happened after they got -- after Butter and the
13 CI got into 27 Wachuset Street?

14 A Once the CI and Powers got into -- were observed
15 entering 27 Wachuset, in the debriefing, the CI stated that
16 they went down to the basement of the building. It was a
17 large apartment building. So they went down to the lowest
18 floor they could, and that's what they were instructed to
19 do. And while they were down there, they met Butter,
20 Chamond Henderson.

21 While down there, the CI showed Butter that he had
22 the money, or Powers showed the CI (sic) that the money was
23 there.

24 The CI stated that Butter ran upstairs. He thinks
25 -- he thought it was the second floor, he couldn't be sure,

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1 and within a few seconds, came back downstairs, handed the
2 CW a package and Powers handed Butter the money.

3 At that time the CW and Powers exited 27 Wachuset
4 Street.

5 Q Now, before they exited 27 Wachuset Street, did
6 Powers make a statement to the CI?

7 A She thought -- she thought -- she told the CI that
8 she thought the Special Agent Guerard was a cop.

9 Q All right. Now, after the CI left 27 Wachuset
10 Street, what happened?

11 A The CI -- Powers -- Powers left the area. She
12 walked back toward her residence.

13 The CI got back in the vehicle with SA -- with
14 Special Agent Guerard. Special Agent Guerard took the crack
15 cocaine and they drove back to the prearranged meeting spot
16 after the transaction was completed.

17 Q All right, sir.

18 And was a substance recovered from the CI at that
19 time?

20 A Yes.

21 Q And what did that substance turn out to be?

22 A Based on the analysis from the regional -- New
23 England Regional Lab, it was found to contain 73.2 grams of
24 cocaine base.

25 A All right, sir.

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1 Now, Special Agent Anderson, let me direct your
2 attention to November 3rd, 1998, and ask you to describe for
3 the Grand Jurors what happened on that date?

4 A On November 23rd (sic), the CI again made
5 arrangements through Powers to purchase three ounces of
6 cocaine.

7 Q I'm sorry, sir. Is that November 3rd or
8 November 23rd?

9 A November 3rd.

10 Q All right.

11 A The CI made arrangements to purchase another
12 three ounces of crack cocaine from Powers.

13 Q Okay. And what happened in pursuit of that
14 transaction?

15 A The CI went to 6 Denny Street, again, and he met
16 with Powers. She came out. Again, got into Special Agent
17 Guerard's vehicle. This time SA -- Special Agent Guerard
18 handed Powers the money.

19 She took it.

20 He asked her if she was going to count it?

21 She said, no.

22 So she instructed them, again, to drive to the
23 same location that they did the last deal at, which is
24 approximately two blocks away.

25 Powers and the CI were observed getting out of the

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1 undercover vehicle, again, walking to 27 Wachuset Street and
2 going inside.

3 Q All right. And according to the CI, what happened
4 once they were inside?

5 A Once they were inside, they again went to the same
6 basement area of the building. While they were down there,
7 they were met by Butter. This time, instead of running
8 upstairs, Butter had the package with him, except this time
9 the package was in a brown paper bag.

10 And at the time, the exchange -- the transaction
11 was made, and the CS -- or the CI and Powers exited the
12 building.

13 Q Okay. And what happened after they exited the
14 building?

15 A The CI was picked up or met by Special Agent
16 Guerard and, again, taken to the prearranged location and
17 searched and took custody of the three ounces of crack
18 cocaine.

19 Q Okay. And was this, also, sent to a laboratory?

20 A Yes, it was.

21 Q And in this case, was it the state lab or the
22 Northeast Regional Laboratory?

23 A It was the state lab.

24 Q And what did the state lab determine this
25 substance to be?

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1 A 81.09 grams of cocaine, free -- cocaine, free base
2 form.

3 Q And based on your training and experience, is that
4 also known as crack cocaine?

5 A Yes, it is.

6 Q All right. And, sir, did the CI, during his
7 debriefing, give any relevant information to the agents at
8 that time?

9 A The CI stated that while he was -- he and Powers
10 were walking into or walking towards 27 Wachuset Street,
11 that she -- she thought Special Agent Guerard was a cop.
12 And she -- she also told the CI that if Special Agent
13 Guerard was a cop and she got arrested, she would have the
14 CI killed.

15 Q All right. Now, sir, let me direct your attention
16 to November 16th, 1998, and ask you what occurred on that
17 date?

18 A On November 16th, again, arrangements were made by
19 the CI to purchase three ounces of crack cocaine.
20 Basically, the same scenario took place. The CI was taken
21 to the area of 6 Denny Street and walked over, met with
22 Powers at 6 Denny Street.

23 A few seconds later, Powers and the CI came out of
24 6 Denny, got into the undercover vehicle.

25 This time Powers told Special Agent Guerard that

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1 the meeting was in a different spot.

2 He drove up Denny Street, pulled over.

3 The CI and Powers are observed getting out of the
4 vehicle.

5 Powers told the CI that Butter was going to meet
6 him up on the street and that's where the deal was going to
7 be done, up around the corner, on the street.

8 Q All right. And what happened at that time?

9 A From the debriefing, the CI stated that Powers and
10 the CI met with Butter.

11 He handed, the CI handed Butter the 3,000.

12 Butter handed him a newspaper containing a plastic
13 bag with crack cocaine.

14 Q What was purported to be crack cocaine?

15 A Yes.

16 Q All right. And, sir, after the CI met with the --
17 met with law enforcement officers, was that substance
18 examined?

19 A Yes, it was.

20 Q And could you describe the appearance of that
21 substance?

22 A The appearance was a milky, white, rocklike
23 substance, but it didn't have the appearance to be crack
24 cocaine. And when they opened the bag to field test it, you
25 could smell there was a sweet aroma coming from it, and it

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1 -- from all indications, it was a -- it was wax.

2 Q And, in fact, did the field test confirm the fact
3 that it was a nonnarcotic substance?

4 A Yes, it did.

5 Q All right. And as a result of this, Special Agent
6 Anderson, what happened next?

7 A A short time later at the -- at the agent's
8 directions, the CW or the CI was directed to go to -- try to
9 get ahold of Powers, again, at 6 Denny Street.

10 The CI went to 6 Denny Street, he was met by
11 Robert Carey and told that Powers was at Butter's residence.

12 The CI then exited 6 Denny Street, was again met
13 by agents, myself and Rick -- and Special Agent Guerard, and
14 debriefed about what happened on the inside and what he was
15 told.

16 Again, the CI was sent back into 6 Denny Street
17 approximately 15 minutes later. And at this time he was
18 again met by Carey, who told him that Butter had telephoned
19 and told Carey to tell the CI that Butter would make good on
20 the deal. That he would replace the three ounces of wax
21 with the real stuff.

22 Q And, sir, this conversation and the earlier
23 conversation between Carey and the CI, were they monitored
24 by yourself?

25 A Yes, they were.

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1 Q All right. Now, sir, subsequent to that second
2 conversation between Carey and the CI, did Special Agent
3 Guerard have a conversation with Butter?

4 A Yes, he did.

5 Q Would you describe that?

6 A While the CI was at the residence at 6 Denny,
7 instructed Carey to page Butter to the undercover agent's
8 cellular telephone number, which Carey did.

9 And then the CI left 6 Denny, went and got into
10 the undercover vehicle with Special Agent Guerard and,
11 again, paged Butter at the pager number.

12 Approximately five minutes later, Special Agent
13 Guerard received a telephone call and at that time he was
14 promised by Butter that he would make good on the deal and
15 that the following night, on November 17th, he would make
16 good on one ounce of crack cocaine, to make up for a partial
17 shipment, and the following night, he would deliver two and
18 a half ounces to make up for the remaining three ounces.

19 Q So would it be fair to say that an extra half
20 ounce would be included in order to compensate for the sham?

21 A Yes. He told -- Butter told Special Agent Guerard
22 that the extra half ounce would be for the problems that he
23 caused.

24 Q All right, sir.

25 Now, sir, at any time during this or subsequent

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1 conversations, was a threat made by Henderson against
2 Special Agent Guerard?

3 A There was.

4 Q Could you describe that for Grand Jurors?

5 A During the conversation, Butter told Agent Guerard
6 that if there was going to be problems, he would have his
7 boys come out and take care of the problem, whatever way
8 they could.

9 Meaning, you know, if there's going to be
10 violence, there's going to be violence. He really didn't
11 care.

12 Q All right. Now, sir, let me direct your attention
13 to the following day, November 17th, 1998, and ask you what
14 happened on that date?

15 A On that date, arrangements were made, again,
16 through Powers and Butter for the one ounce of crack cocaine
17 to make up for the sham product.

18 What occurred was the CI met -- the CI was at his
19 residence. He was instructed to start walking down the
20 street, and at that time he was met by Powers, walking in
21 the opposite direction.

22 They stopped for a few seconds, the transaction
23 was made, and the CI was picked up by myself, taken to a
24 location where I took custody of the one ounce of crack
25 cocaine.

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1 Q All right, sir.

2 And was this submitted to the state lab, as well?

3 A Yes it was.

4 Q And what was it found to be?

5 A 19.68 grams of cocaine, free base form.

6 Q All right, sir.

7 Now, after that transaction on November 17th, was
8 there any further contact between the CI or Special Agent
9 Guerard and Butter Henderson?

10 A After that, the last transaction, no, he never
11 delivered the remaining two and a half ounces. He refused
12 to deal with the CI or Special Agent Guerard in this
13 capacity.

14 Q And how about Kimberly Powers, was she willing to
15 deal with the CI and/or Special Agent Guerard?

16 A She was willing to deal with both, but they would
17 have to use a different source of supply. They wouldn't be
18 able to go through Butter any more.

19 Q All right, sir.

20 And, sir, is there anything of relevance to the
21 investigation that the Grand Jury should hear about?

22 A Only that the CI has a history, but -- a criminal
23 history. And based on his performance and the monitoring of
24 the recordings, that should be taken into consideration,
25 but ---

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1 Q Did you find the CI to be truthful and accurate
2 when you compared his debriefings to the tapes of the
3 transactions?

4 A Yes. He's been very truthful and forthcoming
5 about what's been going on and how they contact him and how
6 often they contact him. He's been very truthful.

7 Q All right. Thank you, sir.

8 MR. SINNOTT: At this time, are there any factual
9 questions for Special Agent Anderson?

10 GRAND JUROR: Have you ever used this CI before in
11 any investigation?

12 THE WITNESS: No, I hadn't, personally. No.

13 GRAND JUROR: Okay. But overall, the tape
14 recordings were pretty clear, except maybe on one occasion?

15 THE WITNESS: Yes. Yes.

16 MR. SINNOTT: Are there any other questions?

17 Okay. With your permission, I'll excused this
18 witness?

19 GRAND JUROR: Okay. You're excused.

20 THE WITNESS: Thank you.

21 (Whereupon, the witness left the Grand Jury
22 hearing room at 10:35 a.m.)

23 (Whereupon, the witness resumed the witness stand
24 at 10:44 a.m.)

25 MR. SINNOTT: And for the record, the witness has

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1 reentered the Grand Jury room.

2 And, sir, you're still under oath.

3 Q BY MR. SINNOTT: Sir, with respect to the
4 transactions that took place on October 19th, October 27th,
5 November 3rd and November 17th, are you familiar with the
6 area in which these transactions took place?

7 A Yes.

8 Q Is it fair to say that each of these four
9 transactions took place within a fairly small geographic
10 area?

11 A Yes.

12 Q And, sir, are you familiar with the presence of
13 any schools within that area?

14 A There's an elementary school approximately, at the
15 most, two blocks from where all these transactions took
16 place.

17 Q All right, sir.

18 Is that the Elm Street Community School?

19 A Yes, it is.

20 Q All right. And is that located at the
21 intersection of North Ashland and West Streets?

22 A Yes, it is.

23 Q And, sir, is it your testimony that based on your
24 familiarity with the area and your subsequent investigation
25 of the location of that school, that each of these

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1 transactions took place within a thousand feet of the Elm
2 Street Community School?

3 A Yes.

4 Q Thank you.

5 MR. SINNOTT: Are there any questions of the
6 witness with respect to that?

7 Yes, please.

8 GRAND JUROR: Were there any guns witnessed by the
9 CI or the agent?

10 THE WITNESS: No. These targets were not known to
11 have any -- carry any weapons, no.

12 MR. SINNOTT: Are there any other questions?

13 Okay. With your permission, I'll excuse the
14 witness.

15 GRAND JUROR: You're excused.

16 (Whereupon, the witness was excused.)

17 (Whereupon, at 10:45 a.m., February 17th, 1999,
18 the above matter was concluded.)

CERTIFICATE OF REPORTER

This is to certify that the attached proceeding
before: A FEDERAL GRAND JURY
in the Matter of:

UNITED STATES OF AMERICA


VS.

JOHN DOE

Place: Boston, Massachusetts

Date: February 17, 1999

were held as herein appears, and that this is the original
transcript thereof.


OFFICIAL REPORTER (Signature)
Marilyn Sandberg